

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
Osamu YAMAMOTO

Serial No.: 10/691,434

Filing Date: October 23, 2003

For: CRYSTALLINE TURBOSTRATIC
BORON NITRIDE POWDER AND
METHOD FOR PRODUCING SAME

Examiner: Wayne A. Langel

Group Art Unit: 1793

Confirmation No. 2141

Okay to enter **FOURTH SUPPLEMENTAL REISSUE APPLICATION DECLARATION
WAL**
AND POWER OF ATTORNEY

Mail Stop - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I am the original, first and sole inventor of the subject matter that is described and claimed in U.S. Patent No. 6,306,358 B1, granted on October 23, 2001, and for which reissue is sought.

This declaration supplements the reissue declaration I executed on June 30, 2006. As explained in my prior declaration, my name has reverted to "Osamu Yamamoto," so I no longer request correction of my name on U.S. Patent No. 6,306,358 B1.

I affirmatively state that U.S. Patent No. 6,306,358 B1 is not assigned that and I am the sole owner of U.S. Patent No. 6,306,358 B1.

I believe the original patent to be wholly or partly inoperative or invalid by reason of claiming less than I had the right to claim in the patent. At least one error on which the reissue is based is described as follows: The original patent claims only a method of producing a crystalline turbostratic boron nitride, while the reissue application adds product claims directed to crystalline turbostratic boron nitride products. Accordingly, the scope of the claims has been broadened because a party could not necessarily be sued for infringement of the product based on the claims of the original patent if it were made by a method different from that originally claimed. The newly added claims should be considered broadening claims because the patent owner would be able to sue any party for infringement of the product claims who previously could not have been sued for infringement of the method claims.

It is my understanding that the addition of a claim in the reissue application that includes subject matter not covered by the patent claims enlarges the scope of the patent claims. The newly added claims in the reissue application are broader than the original claims because the newly added claims contain within their scope conceivable products which would not have infringed the original claims of the patent. A claim which covers something that the original claims do not is a broadened claim.

In the prosecution of the original patent my attorneys and I inadvertently failed to present claims directed to the crystalline turbostratic boron nitride products disclosed in Examples 6 and 7 of the specification. In particular, my patent attorneys and I inadvertently failed to claim crystalline turbostratic boron nitride products exhibiting the X-ray diffraction patterns depicted in FIG. 7 of this patent and explained at column 19, lines 18-37. The failure to claim this omitted subject matter resulted in my claiming less than I am entitled to claim in granted claims

1-6, which are erroneous because of this omission. New claims 7-20 are directed to that omitted subject matter.

All errors being corrected in this reissue application up to the time of execution and filing of this Declaration arose without any deceptive intent on my part.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment.

I acknowledge the duty to disclose information which is material to patentability in accordance with 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Application No. 9-21052 Country Japan Filing Date 20/01/1997

POWER OF ATTORNEY

I hereby revoke all powers of attorney hereby given by me and appoint the attorneys and agents under Customer No. 25227 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Please direct all communications to:

Barry E. Bretschneider
Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
McLean, Virginia 22102

Please direct all telephone calls to Barry E. Bretschneider at (703) 760-7743.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

November 2, 2009 Osamu Yamamoto

Date

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